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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/507,379

03/18/2005

Jari Ylitalo

108306-00025

2097

4372

7590

05/19/2006

EXAMINER

IP, SHIK LUEN PAUL

ARENT FOX PLLC

1050 CONNECTICUT AVENUE, N.W.

SUITE 400

WASHINGTON, DC 20036

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/507,379

Applicant(s)

YLITALO, JARI

Examiner

Paul Ip

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17, 18 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 18 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 9/21/2004 and 3/18/2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

3. Claims 17-21, 27, and 28 are objected to under 37 CFR 1.75, as being of improper form for method claims including the subject matter of the apparatus. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper form, or rewrite the claim(s) either as an apparatus with the corresponding relationship of the recited elements or as a method with the method steps incorporating with the recited elements. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-15, 17, 18, and 20-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kilgore (4,338,525).

Claims 1-15, 17, 18, and 20-28 are unduly multiplied with the corresponding elements with the repeated functions or method steps of controlling the short circuiting function of the propeller motor. Therefore, claims 1-15, 17, 18, and 20-28 fall into the same group of rejection according to the following rejection.

The patent to Kilgore discloses a marine propulsion system comprising a propeller 24, a propeller synchronous motor 16 including stator windings, an electrical power network (10, 12, 14, 28), a frequency converter 22, and a switch arrangement (18, 20, 44) for disconnecting the propeller motor (switch 18) and for, short circuiting or dynamic braking (switches 20 and 44 closed), the stator windings (switches 20 and 44) of the propeller motor. See column 7 line 31 to column 8 line 32 for the short circuiting or dynamic braking of the motor.

Response to Arguments

6. Applicant's arguments with respect to claims 1-15, 17, 18, and 20-28 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments filed 3/21/2006 have been fully considered but they are not persuasive. Applicant argues that Alexanderson fails to teach a frequency converter connected to an electrical power network, and the propeller motor does not disconnecting from an electrical power network and short circuiting the stator windings of the propeller motor. Kilgore clearly shows a frequency converter connecting from an electrical power network and short circuiting the stator windings of the propeller motor with dynamic braking. Furthermore, the use of short circuiting or dynamic braking for

electric motors with a frequency converter is notorious old in the art. The claims are not patentable over the patent to Kilgore.

Final Rejection

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Citation of Pertinent References

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Beverley et al 3,997,824, Ekstrom et al 3,993,912, and Aschauer 4,316,722 disclose marine propulsion systems comprising a propeller motor, a frequency converter, a power supply network, and a dynamic braking control switching system for short circuiting or dynamic braking of the propeller motor.

Communication Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Ip whose telephone number is (571)-272-1941. The examiner can normally be reached on Monday to Friday from 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley, can be reached on 571-272-2833. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul Ip
Primary Examiner
Art Unit 2837

5/1/2006